

## **REMARKS/ARGUMENTS**

Claims 1-9 and 17 are currently pending in this application, as amended. By the present amendment, claims 1, 3, 5 and 7-9 have been amended, claims 10-16 have been canceled and new claim 17 has been added. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

Claims 1-3, 7-11, 15 and 16 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. 6,308,679 to Nakamura et al. Applicant respectfully traverses this rejection.

As amended, claim 1 is directed to a chain or synchronous belt drive comprising at least one chain or synchronous belt wheel, which is integrated in the drive and through which the chain or synchronous belt is guided and engaged. An over-jump protection element is provided, which at least partially overlaps the chain or synchronous belt on a side opposite the wheel, with the over-jump protection element being provided on a guiding and tensioning assembly for an adjacent chain or synchronous belt. The guiding and tensioning assembly includes a fixed guiding element with a guide surface and a movable tensioning element with a tensioning surface.

Nakamura et al. discloses a chain guide shoe (20) having an integrated guide portion (20a) which prevents the adjacent chain (14) from jumping from the gear teeth of the drive sprocket (12). A tensioner shoe (21) is provided separately from the guide shoe (20) for separately tensioning the oil pump drive chain (15). There is no suggestion or disclosure in Nakamura et al. of a guiding and tensioning assembly which includes the over-jump protection element, with the guiding and tensioning assembly including both a fixed guiding element with a guide surface and a moveable tensioning element with a tensioning surface. This provides for quicker and easier installation of a unitized assembly that provides for all three functions of guiding and tensioning one chain or synchronous belt while at the same time providing over-jump protection for the other chain or synchronous belt. Accordingly, withdrawal of the

Section 102(b) rejection of claim 1 is respectfully requested.

Claims 2, 3 and 8-9 depend directly or indirectly from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1.

In addition, new claim 17 depends from claim 1 and recites that the guide surface of the fixed guiding element and the tensioning surface of the movable tensioning element are adapted to contact an inner surface of the adjacent chain or the adjacent synchronous belt. This is in contrast to the Nakamura et al. arrangement, where the separate tensioning element and guiding element contact an outside of the oil pump drive chain (15). Thus, the present arrangement saves also space on the engine, where space is at a premium.

#### CLAIM REJECTIONS – 35 U.S.C. §103

Claims 4-6 and 12-14 were rejected under §103(a) as unpatentable over the combination of Nakamura et al. in view of U.S. 4,869,708 to Hoffmann et al. Applicant respectfully traverses this rejection. To the extent that claims 12-14 have been canceled, the rejection will be addressed with respect to claims 4-6.

Claims 4-6 depend direction or indirectly from claim 1 and further define the material of the guiding or the tensioning element. Hoffmann et al. is relied upon only as disclosing that the element can be made of plastic or metal. However, it does not address the above-noted deficiencies with respect to Nakamura et al. as discussed in conjunction with claim 1. Accordingly, claims 4-6 should be patentable over this combination for the same reasons as noted above in connection with claim 1.

CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-9 and 17, is in condition for allowance, and a Notice to that effect is respectfully solicited.

Respectfully submitted,

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